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09/599,322	06/22/2000	James Kardach	042390.P6596	8635

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EXAMINER

LEVITAN, DMITRY

ART UNIT PAPER NUMBER

2662

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/599,322	Applicant(s) KARDACH, JAMES	
	Examiner Dmitry Levitan	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Amendment, filed 03/31/05, has been entered. Claims 1-28 remain pending.

Drawings

1. The drawings were received on 03/31/05. These drawings are approved.
2. The objection to the drawings has been withdrawn.

Claim Rejections - 35 USC § 112

1. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide sufficient details to enable a skilled in the art to make and use the invention because it does not adequately describe the following:

Regarding claims 1, 7 and 14, a radio transceiver to route the wireless communication data to at least one device on the LAN, the WAN or the telephone network through the network circuit, the modem or the D/A converter, respectively.

2. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7, 14, 17, 20, 23 and 26 limitations “first section of transmission line to serve as wiring for network (LAN)” are unclear, because it is not understood what is first section of transmission line, as specification does not disclose what part of the transmission line Applicant considers first section.

Claim Rejections - 35 USC § 102

3. Claims 1-6, 17-19 and 23-25 are rejected (as understood) under 35 U.S.C. 102(e) as being anticipated by Gerszberg (US 6,424,646).

4. Regarding claims 1, 6, 17, 18, 23 and 24, Gerszberg teaches an apparatus, a system and a method (intelligent service director 22 on Fig. 1, 2 and 2:65-67, 3:1-22) comprising:

A network circuit to couple to a LAN (Ethernet interface 119 on Fig. 2 and 4:27-40 for interconnecting computers as shown on Fig. 9) through a transmission line (customer connection 30 on Fig. 1 or life line on Fig. 2, disclosed as a twisted pair 3:1-3), the transmission line to serve as a wiring for the LAN (the transmission line utilized by the system as Corporate LAN extension for Work-at-Home 7:39-60),

A modem to couple to a WAN through a transmission line (IP bridge router 106 on Fig. 2 and 4:27-35 to couple to the Internet 5:21-26),

A D/A converter to couple to a telephone network through the transmission line (inherently part of the system, because Gerszberg teaches digitizing POTS data to use multiple analog telephones as shown on Fig. 5 and 9:34-38, including mu-law coding 10:14-15),

A radio transceiver coupled to the network circuit (inherently part of the system, because Gerszberg teaches using wireless connection to connect a variety of customer devices to the ISD 4:4-13 and antenna 630 on Fig. 12 to communicate with them 15:28-35), the modem and the D/A converter, the radio transceiver to receive a service request from a wireless communication device to establish connection to the wireless communication device (user request using a digital phone 121 for a particular digital audio service channel 4:61-5:5), wherein a connection type is based on the service request (inherently part of the system, because the digital phone establishes

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connection with corresponding interface device 110 on Fig. 2 to provide appropriate connection type for the digital phone 121), to receive wireless communication data from the wireless communication device and to route the wireless communication data to at least one device on the LAN, the WAN or the telephone network through the network circuit, the modem or the D/A converter, respectively (remote location, providing high fidelity radio channels 4:61-67, inherently located at WAN/Internet, LAN or telephone network), wherein routing is determined by the connection type (established digital phone connection with corresponding interface device 110 of ISD 22).

In addition, regarding claims 17, 18, 23 and 24, Gerszberg teaches routing the wireless communication data (wireless customer devices) to a POTS customer (PSTN on Fig. 1) and LAN corporate computer 7:39-60).

5. Regarding claim 2, Gerszberg teaches the service request is in response to an indication of multiple services provided (user selection of services provided on a video phone 5:8-20), wherein the service request specifies at least one of the provided services, and wherein the provided services includes a cordless telephony service, a dial-up service, and a network access service (wherein the provided services include Internet access 5:9-20).

6. Regarding claims 3, 19 and 25, Gerszberg teaches transmission line as a POTS line (twisted pair 30 on Fig. 1 with POTS function 3:9-21).

7. Regarding claim 4, Gerszberg teaches using wireless connection to connect a variety of customer devices to the ISD 4:4-13, so mentioned customer telephone and computer are mobile.

8. Regarding claim 5, Gerszberg teaches using a D/A converter to couple to a telephone network through the transmission line and separating all types of the wireless communication

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with customer devices for appropriate interfaces (inherently part of the system, because forwarding data to the appropriate interface is essential for the system operation) including data received from a cordless telephony connection (data received on the cordless interface 123 on Fig. 2).

Claim Rejections - 35 USC § 103

9. Claims 7-16, 20-22 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg in view of Foley (US 6,069,899) and admitted prior art (pages 1 and 2 of Background).

10. Regarding claim 7, Gerszberg substantially teaches the limitations of claim 7 (see claim 1 rejection above), including using the first frequency range for POTS (life line connection, in case of the power failure 4:56-60).

Gerszberg does not teach using second range for WAN and other connections and using BLUETOOTH standard for the radio transceiver.

Foley teaches using second range for WAN and other connections (ADSL upstream 402 on Fig. 4A and 6:32-60, wherein all communications, excluding POTS, are transmitted in the ADSL upstream frequency range).

The admitted prior art teaches using BLUETOOTH standard for wireless devices (pages 1 and 2 of the Background).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using first frequency range for POTS and second range for WAN and other connections of Foley and using BLUETOOTH standard of admitted prior art to the system of

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Gerszberg to improve the system utilizing ADSL and BLUETOOTH to make the system compatible with other units using popular standards.

11. Regarding claim 8, Gerszberg teaches a LAN located in a residential home (Computers 14A and 14B connected to an Ethernet bus on Fig. 5).

12. Regarding claim 9, Gerszberg teaches transmission line as a POTS line (twisted pair 30 on Fig. 1 with POTS function 3:9-21).

13. Regarding claims 11-13, Gerszberg teaches separating all types of the wireless communication with customer devices for appropriate interfaces, including voice data for D/A converter, WAN data for the routing and LAN data for the corporate LAN (inherently part of the system, because forwarding data to the appropriate interface is essential for the system operation).

14. Regarding claim 10, Gerszberg in view of Foley substantially teach the limitations of parent claims 7 and 9.

Gerszberg in view of Foley do not teach using RJ-11 connector.

Official notice is taken that using RJ-11 connector is well known and expected in the art, as RJ-11 connector is widely used in the telephone industry.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using RJ-11 connector to the system of Gerszberg in view of Foley to improve the system compatibility with widely used standard connector.

15. Regarding claims 14 and 16, Gerszberg substantially teaches the limitations of claims 14-16.

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Gerszberg teaches an apparatus, a system and a method (intelligent service director 22 on Fig. 1, 2 and 2:65-67, 3:1-22) comprising:

A processing unit (processing unit 102 on Fig. 2 and 4:27-30),

A memory (ROM, DRAM and SRAM on Fig. 2 and 4:27-31),

A network circuit to couple to a LAN (Ethernet interface 119 on Fig. 2 and 4:27-40 for interconnecting computers as shown on Fig. 9) through a transmission line (customer connection 30 on Fig. 1 or life line on Fig. 2, disclosed as a twisted pair 3:1-3), the transmission line to serve as a wiring for the LAN (the transmission line utilized by the system as Corporate LAN extension for Work-at-Home 7:39-60),

A modem to couple to a WAN through a transmission line (IP bridge router 106 on Fig. 2 and 4:27-35 to couple to the Internet 5:21-26),

A D/A converter to couple to a telephone network through the transmission line (inherently part of the system, because Gerszberg teaches digitizing POTS data to use multiple analog telephones as shown on Fig. 5 and 9:34-38, including mu-law coding 10:14-15),

A radio transceiver coupled to the network circuit (inherently part of the system, because Gerszberg teaches using wireless connection to connect a variety of customer devices to the ISD 4:4-13 and antenna 630 on Fig. 12 to communicate with them 15:28-35), the modem and the D/A converter, the radio transceiver to receive a service request from a wireless communication device to establish connection to the wireless communication device (user request using a digital phone 121 for a particular digital audio service channel 4:61-5:5), wherein a connection type is based on the service request (inherently part of the system, because the digital phone establishes connection with corresponding interface device 110 on Fig. 2 to provide appropriate connection

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type for the digital phone 121), to receive wireless communication data from the wireless communication device and to route the wireless communication data to at least one device on the LAN, the WAN or the telephone network through the network circuit, the modem or the D/A converter, respectively (remote location, providing high fidelity radio channels 4:61-67, inherently located at WAN/Internet, LAN or telephone network), wherein routing is determined by the connection type (established digital phone connection with corresponding interface device 110 of ISD 22).

Gerszberg does not teach a filter coupled to the network circuit.

Foley teaches a filter coupled to the network circuit (diplexer filter, including low-pass and high-pass filters 3:53-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a filter coupled to the network circuit of Foley to the system of Gerszberg to improve the system separation of the POTS and ADSL data.

16. Regarding claim 15, Gerszberg and Foley substantially teach the limitations of claim 14 (see claim 14 rejection above).

Gerszberg does not teach using BLUETOOTH standard for the radio transceiver.

Prior art teaches using BLUETOOTH standard for wireless devices (pages 1 and 2 of the Background).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using BLUETOOTH standard of admitted prior art to the system of Gerszberg to improve the system utilizing BLUETOOTH to make the system compatible with other units using popular BLUETOOTH standard.

17. Regarding claims 20-22 and 26-28, Gerszberg substantially teaches the limitations of claims 20 and 26 (see claim 1 rejection above), including using the first frequency range for POTS (POTS line is well known to be used for cordless phone or a dial up connection) and connecting to a corporate LAN.

Gerszberg does not teach using second range for WAN and other connections.

Foley teaches using second range for WAN and other connections (ADSL upstream 402 on Fig. 4A and 6:32-60, wherein all communications, excluding POTS, are transmitted in the ADSL upstream frequency range).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using first frequency range for POTS and second range for WAN and other connections of Foley to the system of Gerszberg to improve the system utilizing ADSL to make the system compatible with other units using popular standard.

Response to Arguments

18. Applicant's arguments filed 03/31/05 have been fully considered but they are not persuasive.

On pages 13 and 14 of the Response, Applicant argues that claim 1 limitation "a radio transceiver to route the wireless communication data to at least one device on the LAN, the WAN or the telephone network through the network circuit, the modem or the D/A converter, respectively" is enabled by the specification (p. 6-9).

Examiner respectfully disagrees.

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Examiner believes that the disclosed structure on Fig. 3 and pages 6-9 does not enable claimed radio transceiver, because it does not adequately describe how the radio transceiver can route the wireless data to three very different networks (LAN, WAN and telephone network), using different data and signaling protocols.

The specification does not provide enough details about the structure and operation of the elements associated with the above identified claimed features to enable one skilled in the art to make and use the invention without undue experimentation.

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
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05/18/05



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